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Attorneys for Petitioner

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

ADRIAN RISKIN,

Petitioner,

vs.

NORTH FIGUEROA ASSOCIATION
and LINCOLN HEIGHTS BENEFIT
ASSOCIATION OF LOS ANGELES,

Respondent.

} Case No. 20STCP0016
} (Assigned to the Hon. Mary H. Strobel,
} Dept. 82)

} PETITIONER'S NOTICE OF
} MOTION AND MOTION FOR A
} PROTECTIVE ORDER

} Hearing Date: November 10, 2020
} Time: 9:30 a.m.
} Location: Dept. 82

} Petition Filed: Jan. 13, 2020
} Trial Date: March 16, 2021

To the honorable Court, all parties, and their counsel of record:

1 Please take notice that on November 10, 2020 at 9:30 a.m., or as soon as the
2 parties may be heard, in Department 82 of the Los Angeles Superior Court, located
3 at 111 N. Hill Street, Los Angeles, California, Petitioner Adrian Riskin respectfully
4 will and does move the Court for a protective order directing that the deposition of
5 Adrian Riskin not take place or, alternatively, that the Court strictly limit the scope
6 of any such examination.
7

8
9 This motion is made pursuant to Code of Civil Procedure § 2025.420 on the
10 grounds that the deposition is irrelevant to the legal issues in this action and, as
11 such, are a misuse of the discovery process.
12

13
14 This motion is based on this Notice, the accompanying Memorandum of
15 Points and Authorities, the Declaration of Colleen Flynn, any and all records,
16 pleadings, and files herein, and on such oral and documentary evidence as may be
17 presented at the hearing on this motion.
18

19 DATED: October 13, 2020
20

21
22 Respectfully Submitted,
23

24 LAW OFFICE OF MATTHEW STRUGAR
25 LAW OFFICE OF COLLEEN FLYNN
26 Attorneys for Petitioner

27 /s/ Colleen Flynn
28

COLLEEN FLYNN

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

ADRIAN RISKIN,

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vs.

NORTH FIGUEROA ASSOCIATION
and LINCOLN HEIGHTS BENEFIT
ASSOCIATION OF LOS ANGELES,

Respondent.

) Case No. 20STCP0016
) (Assigned to the Hon. Mary H. Strobel,
) Dept. 82)

) PETITIONER'S MEMORANDUM IN
) SUPPORT OF MOTION FOR A
) PROTECTIVE ORDER

) Hearing Date: November 10, 2020
) Time: 9:30 a.m.
) Location: Dept. 82

) Petition Filed: Jan. 13, 2020
) Trial Date: March 16, 2021

Introduction

In an action seeking Respondents North Figueroa Association (“HPBID”) and Lincoln Heights Benefit Association of Los Angeles’s (“LHBID”) compliance with the California Public Records Act (“CPRA”), Respondents seek the deposition of petitioner Adrian Riskin. The deposition of a requester in a writ action involving the CPRA would serve no legitimate purpose and would do nothing to assist the parties in preparing for trial.

Petitioner, through the three CPRA requests at issue in this petition, seeks records that shed light on how Respondents, whose districts are historically Latino neighborhoods experiencing rapid demographic change, engage with the business community and City officials regarding gentrification, public art, community activism, and Business Improvement District (“BID”) renewal. These issues of public interest are not only relevant to Petitioner, they have received media attention from both local and regional sources.¹ Nevertheless, a petitioner’s motive in making a CPRA request is irrelevant. The CPRA “does not allow limitations on

¹ Ethan Varian, “Activists Are Fighting to Preserve Highland Park’s Remaining Chicano Murals,” Los Angeles, Magazine, June 20, 2018 available at <https://www.lamag.com/culturefiles/chicano-murals-highland-park/> [as of 10/12/2020];

Jen Zaratan, “Highland Park’s colorful murals are whitewashed, artists say,” The Occidental, November 5, 2018 available at <https://www.theoccidentalnews.com/uncategorized/2018/11/05/highland-parks-colorful-murals-are-whitewashed-artists-say/2894953> [as of 10/12/2020]

Martin Macias Jr., “LA Neighborhood Looks to Preserve Cultural – and Culinary – Identity, Courthouse News Service, November 16, 2018 available at <https://www.courthousenews.com/la-neighborhood-looks-to-preserve-cultural-and-culinary-identity/> [as of 10/12/2020]

1 access to public records based upon the purpose for which the record is requested,
2 if the record is otherwise subject to disclosure.” Gov’t. Code § 6257.5. While an
3 agency may withhold records for which a statutory exemption applies, the
4 requestor’s purpose in seeking the records is irrelevant. *County of Los Angeles v.*
5 *Sup. Ct.*, (2000) 82 Cal.App.4th 819, 826.
6

7
8 Because Petitioner’s testimony would have no bearing on the validity of
9 Respondents’ responses to Petitioner’s CPRA requests, the deposition would not
10 lead to the discovery of admissible evidence relevant to the issues framed in this
11 action. It would, however, subject Petitioner to considerable burden, expense and
12 inconvenience. The deposition represents the type of abuse discovery that is
13 subject to a protective order. *See* Code of Civ. Pro. § 2025.420.
14

15
16 Under these circumstances, a protective order is warranted to prevent
17 Respondents from taking an unnecessary and abusive deposition. Petitioner
18 requests the Court issue an appropriate order directing that Petitioner’s deposition
19 not be taken or, in the alternative, that the scope of the examination be strictly
20 limited to relevant matters (whatever those might be in this context).
21

22 **Facts**

23
24 This case concerns Respondents’ compliance with the CPRA. Petitioner
25 challenges the adequacy of Respondents’ responses to three separate CPRA
26 requests.
27
28

1 After the filing of this action, Casso and Sparks, LLP contacted Petitioner's
2 counsel, as Respondents had hired them to represent Respondents in this matter.
3
4 The firm of Casso and Sparks, LLP was cooperative, appeared serious about their
5 clients' CPRA obligation, updated Petitioner's counsel on their attempts to collect
6 from their clients and review responsive records for release, and stipulated to
7 produce all non-exempt responsive records by June 5, 2020. See Declaration of
8 Colleen Flynn ("Flynn Dec."), ¶2; Stipulation and Order to Extend Deadline for
9 Respondents North Figueroa Association and Lincoln Heights Benefit Association
10 of Los Angeles to File Responsive Pleading to Petition.
11
12

13
14 Apparently, Respondents fired them. On June 3, 2020, two days before
15 production was due, Respondents filed a substitution of attorney, replacing Casso
16 and Sparks, LLP with Bradley & Gmelich LLP. On June 5, the date Petitioner
17 expected to receive records responsive to his CPRA requests, he was instead
18 served with a deposition notice. Flynn Dec., ¶3, Ex. A.
19
20

21 On June 9, 2020, Petitioner's counsel called the Court's clerk to reserve a
22 hearing date to challenge the deposition notice and was provided the first available
23 hearing date of November 10, 2020. Flynn Dec., ¶4. On June 11, 2020, the parties
24 met and conferred telephonically about Petitioner's deposition. Flynn Dec., ¶5.
25 Counsel for Petitioner informed counsel for Respondents they had no legitimate
26 reason to take his deposition, he would be seeking court intervention to protect him
27
28

1 from being deposed, and that he had reserved a hearing date with the Court. When
2 Respondents' counsel then asked for a new date to re-notice the deposition in July,
3
4 Petitioner's counsel suggested they notice it for one week after the November 10th
5 hearing. Flynn Dec., ¶6, Ex. B (6/16/2020 Flynn email). That way, they would
6
7 only need to re-notice the deposition once. If Respondents were successful at the
8 hearing, the deposition would take place the following week. Whereas, if they
9
10 noticed it for a date in July, they would just have to re-notice it again if they were
11 successful at the hearing.

12 Respondents' counsel however have failed to re-notice Petitioner's
13 deposition for any date. On September 29, 2020, Petitioner's counsel emailed
14 Respondents' counsel asking if they still sought to take the deposition and letting
15 them know that if they didn't respond by October 5th Petitioner's counsel would
16
17 notify the Court's clerk that the issue was moot and the hearing could be taken off-
18
19 calendar. Flynn Dec., ¶7, Ex. C (9/29/2020 Flynn email). Respondents' counsel
20
21 responded on October 5th, refusing to re-notice the deposition yet claiming they
22 still intend to depose Petitioner. Flynn Dec., ¶8, Ex. D (10/5/2020 Bachert email).
23

24 Unable to resolve the issue between counsel, Petitioner seeks the Court's
25 relief.
26

27 //

28 //

Standards Governing Motions for a Protective Order

“Before, during, or after a deposition, any party, [or] any deponent ... may promptly move for a protective order.” Code Civ. Pro. § 2025.420, subd. (a). For good cause shown, the Court “may make any order that justice requires to protect any party, deponent, or other natural person or organization from unwarranted annoyance, embarrassment, or oppression, or undue burden or expense.” Code Civ. Pro. § 2025.420, subd. (b). A protective order may direct “that the deposition not be taken at all,” or “[t]hat the scope of the examination be limited to certain matters.” Code Civ. Pro. § 2025.420, subs. (b)(1), (b)(10).

The power of the Court to issue protective orders rests on the need to protect litigants from discovery abuse: “Because of the liberality of pretrial discovery ... it is necessary for the trial court to have the authority to issue protective orders.” *Coalition Against Police Abuse v. Superior Court* (1985) 170 Cal.App.3d 888, 894, quoting *Seattle Times v. Rhinehart* (1984) 467 U.S. 20, 34. “The prevention of the abuse that can attend the coerced production of information under a state’s discovery rule is sufficient justification for the authorization of protective orders.” *Id.*, quoting *Seattle Times*, 467 U.S. at pp. 35-36.

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Argument

1. The Court Has Broad Authority to Manage Discovery in Writ Proceedings Concerning Access to Public Records

Even in traditional civil litigation, “Courts have broad discretion in controlling the course of discovery.” *Fuller v. Superior Court* (2001) 87 Cal.App.4th 299, 307. The nature of writ proceedings amplifies the necessity of the Court’s discretion. In finding that the Civil Discovery Act applies to CPRA proceedings, the Court of Appeal has stressed the role of trial courts in managing and limiting discovery to protect parties from undue burdens and expenses. *City of Los Angeles v. Superior Court* (2017) 9 Cal. App. 5th 272, 288-291 (*Anderson-Barker*). The Court of Appeal emphasized that discovery should be tailored to ““permit the expeditious “determination”” of a narrow issue: whether a public agency has an obligation to disclose the records that the petitioner has requested.” *Id.* at 289, quoting *County of Santa Clara v. Superior Court* (2009) 171 Cal.App.4th 119, 128. The Court noted that the authority to manage and limit discovery includes requiring “an adequate showing that the discovery is likely to aid in the resolution of the particular issues presented in the proceeding.” *Id.* at 290.

//

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1 **2. A Protective Order Should Issue to Protect Petitioner from Discovery**
2 **Abuse**

3
4 An order is needed to protect Petitioner “from unwarranted annoyance,
5 embarrassment, or oppression, or undue burden and expense.” Code Civ. Pro.
6 § 2025.420, subd. (b), and because his deposition would not lead to the discovery
7 of admissible evidence.
8

9 The CPRA is explicit that it “does not allow limitations on access to a public
10 record based upon the purpose for which the record is being requested, if the
11 record is otherwise subject to disclosure.” Gov’t Code, § 6257.5. And precedent
12 has confirmed for decades that a petitioner’s motive is irrelevant in a CPRA
13 proceeding. *See, e.g., State Bd. of Equalization v. Superior Court* (1992) 10 Cal.
14 App. 4th 1177, 1191; *County of Los Angeles v. Superior Court* (2000) 82 Cal. App.
15 4th 819, 826 (*Axelrad*). In *Axelrad*, the respondent accused the petitioner of
16 abusing the CPRA “to ‘circumvent’ prior discovery rulings” in another civil action.
17 *Id.* at 827. The Court of Appeal had “no difficulty” concluding that was Axelrod’s
18 motive. *Id.* at 826. But it did not matter. In addition to section 6257.5’s instruction
19 that motive is irrelevant, the Court of Appeal found that ““there is no practical way
20 of limiting the use of the information, once it is disclosed, to the purpose asserted
21 by the requestor.” *Id.*, quoting *Hughes Salaried Retirees v. Adm’r of Hughes* (9th
22 Cir. 1995) 72 F.3d 686, 693.
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1 While not directly addressing the issue of respondents’ ability to seek
2 discovery from petitioners, *Anderson-Barker* speaks to the inverse—petitioners
3 seeking discovery from respondents, without even a nod to discovery in the other
4 direction. *See, e.g.*, 9 Cal. App. 5th at 289 (“Although many CPRA cases are likely
5 to involve questions of law based on undisputed facts ..., other cases will require
6 the court to make factual findings based on conflicting evidence. In some such
7 cases, discovery may be necessary to test the agency’s assertion that it does not
8 have an obligation to disclose the records at issue.”); 290 (“When assessing
9 motions to compel discovery (or motions seeking a protective order) in CPRA
10 proceedings, the trial court has discretion to consider whether the petitioner has
11 made an adequate showing that the discovery is likely to aid in the resolution of the
12 particular issues presented in the proceeding.”); 292 (“Finally, we note that the
13 question [of] whether a petitioner in a CPRA proceeding has a right to seek
14 discovery is not only an issue of first impression, but also of important
15 consequence to public entities that are responsible for responding to public records
16 requests.”) (emphases added).

24 Riskin is a local gadfly. He is critical of Respondents and other BIDs on his
25 website, <https://michaelkohlhaas.org>. He seeks and obtains information from local
26 BIDs to lobby legislators, administrators, local stakeholders, and the public at large
27 to support his campaign to have the City not renew BID contracts. He employs
28

1 rhetoric, calls to action, and colorful language to rabble-rouse, consistent with the
2 tradition of the First Amendment.
3

4 Respondents in fact stopped meeting their statutory obligations under the
5 CPRA after Petitioner published emails from Respondent HPBID, obtained
6 through the CPRA, exposing HPBID's complicity in the process of driving legacy
7 Latino businesses from Highland Park, the erasure of Latino murals and other
8 public art issues, and HPBID and the City's complicity in surveilling art activists'
9 online and social media activities. Verified Petition, ¶ 7. Respondents' attempt to
10 depose Petitioner is merely a retaliatory fishing expedition.
11
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13

14 Conclusion

15 For the foregoing reasons, Petitioner requests the Court issue a protective
16 order providing that his deposition not be taken, or, in the alternative, that it be
17 strictly limited to relevant areas of inquiry defined by the Court.
18

19 DATED: October 13, 2020
20
21

22 Respectfully Submitted,
23

24 LAW OFFICE OF MATTHEW STRUGAR
25 LAW OFFICE OF COLLEEN FLYNN
26 Attorneys for Petitioner

27 /s/ Colleen Flynn
28

COLLEEN FLYNN

1 Respondents North Figueroa Association and Lincoln Heights Benefit association
2 of Los Angeles by phone, emails, and letters on June 11, June 16, September 29,
3 and October 5, 2020.
4

5 6. On a June 11, 2020 telephonic meet and confer I informed counsel for
6 Respondents they had no legitimate reason to take Petitioner's deposition, he
7 would be seeking court intervention to protect him from being deposed, and that he
8 had reserved a hearing date with the Court. When Respondents' counsel then asked
9 for a new date to re-notice the deposition in July, I suggested they notice it for one
10 week after the November 10th hearing.
11

12 7. Respondents have not re-noticed Petitioner's deposition. Therefore, on
13 September 29, 2020, I emailed Respondents' counsel asking if they still sought to
14 take the deposition and letting them know that if they didn't respond by October
15 5th I would notify the Court's clerk that the issue was moot and the hearing could
16 be taken off-calendar.
17

18 8. Julie Bachert responded on October 5, 2020, refusing to re-notice the
19 deposition yet claiming Respondents still intend to depose Petitioner.
20

21 9. Attached as Exhibit A is a true and correct copy of Notice of Deposition of
22 Adrian Riskin, served June 5, 2020.
23

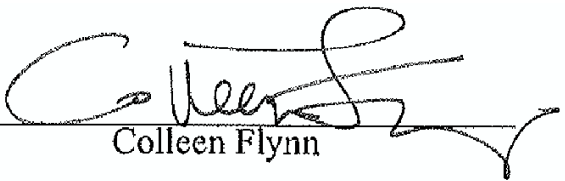
24 10. Attached as Exhibit B is a true and correct copy of a June 16, 2020 email
25 from me to Respondents' counsel.
26
27
28

1 11. Attached as Exhibit C is a true and correct copy of a September 29, 2020
2 email from me to Respondent's counsel.
3

4 12. Attached as Exhibit D is a true and correct copy of an October 5, 2020
5 email from Julie Bachert to Petitioner's counsel.
6

7 I declare under the penalty of perjury under the law of the State of California
8 that the foregoing is true and correct.
9

10 Dated: October 13, 2020

11 By 
12 Colleen Flynn
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1 Barry A. Bradley, Esq., State Bar No. 125353
 bbradley@bglawyers.com
 2 Carol A. Humiston, Esq., State Bar No. 115592
 chumiston@bglawyers.com
 3 Julie A. Bachert, Esq., State Bar No. 328572
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 4 BRADLEY & GMELICH LLP
 700 North Brand Boulevard, 10th Floor
 5 Glendale, California 91203-1202
 Telephone: (818) 243-5200
 6 Facsimile: (818) 243-5266

7 Attorneys for Respondents, NORTH FIGUEROA ASSOCIATION and
 LINCOLN HEIGHTS BENEFIT ASSOCIATION OF LOS ANGELES

8
 9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 10 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

12 ADRIAN RISKIN,

13 Petitioner,

14 vs.

15 NORTH FIGUEROA ASSOCIATION and
 LINCOLN HEIGHTS BENEFIT
 16 ASSOCIATION OF LOS ANGELES,

17 Respondents.

Case No. 20STCP00166

NOTICE OF DEPOSITION OF ADRIAN RISKIN

Date: June 25, 2020

Time: 10:00 a.m.

Place: Bradley & Gmelich LLP, 700
 North Brand Boulevard, 10th
 Floor, Glendale, CA 91203-1202

(Assigned to the Hon. Mary H. Strobel,
 Department 82)

Complaint Filed: 01/13/2020

Discovery Cutoff: None Set

Motion Cutoff: None Set

Trial Date: None Set

TO ALL PARTIES AND THEIR COUNSEL OF RECORD HEREIN:

PLEASE TAKE NOTICE that, pursuant to Sections 2025.010, *et seq.*, of the California
Code of Civil Procedure, NORTH FIGUEROA ASSOCIATION and LINCOLN HEIGHTS
 BENEFIT ASSOCIATION OF LOS ANGELES, by and through their attorneys of record, will
 take the deposition, on oral examination, of ADRIAN RISKIN, commencing at 10:00 a.m. on June
 25, 2020, at Bradley & Gmelich LLP, 700 North Brand Boulevard, 10th Floor, Glendale, CA
 91203-1202, and continuing from day to day, Saturdays, Sundays and legal holidays excluded,

1 until completed.

2 In addition, NORTH FIGUEROA ASSOCIATION and LINCOLN HEIGHTS BENEFIT
3 ASSOCIATION OF LOS ANGELES also reserve the right to utilize instant visual display
4 technology such that the court reporter's recording of the proceeding will be displayed simultaneous to
5 his/her writing of same on one's laptop, iPad, tablet or other type of display device connected to the
6 court reporter.

7 PLEASE TAKE FURTHER NOTICE that the deposing party intends to cause the
8 proceedings to be recorded both stenographically, including by the instant display of testimony,
9 before a certified court reporter, and by videotape. The deposing party specifically reserves the
10 right to use the videotape at the time of trial.

11 If an interpreter is required, the undersigned must be notified in writing at least five (5)
12 days prior to the deposition date of the language spoken by the deponent.

13 Dated: June 5, 2020

BRADLEY & GMELICH LLP

14
15 By: 

16 Barry A. Bradley
17 Carol A. Humiston
18 Julie A. Bachert

19 Attorneys for Respondents, NORTH FIGUEROA
20 ASSOCIATION and LINCOLN HEIGHTS
21 BENEFIT ASSOCIATION OF LOS ANGELES
22
23
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27
28

BRADLEY & GMELICH LLP

PROOF OF SERVICE

**Adrian Riskin vs. North Figueroa Association, et al.
Case No. 20STCP00166**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 700 North Brand Boulevard, 10th Floor, Glendale, CA 91203-1202.

On June 5, 2020, I served true copies of the following document(s) described as **NOTICE OF DEPOSITION OF ADRIAN RISKIN** on the interested parties in this action as follows:

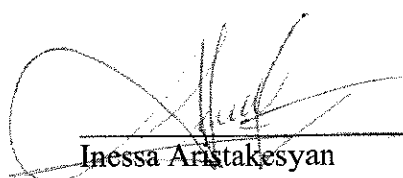
Matthew Strugar, Esq.
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E-Mail: matthew@matthewstrugar.com
Attorney for Petitioner, Adrian Riskin

Colleen Flynn, Esq.
Law Office of Colleen Flynn
3435 Wilshire Blvd., Suite 2910
Los Angeles, CA 90010
Telephone: (213)252-9444
E-Mail: cflynnlaw@yahoo.com
Attorney for Petitioner, Adrian Riskin

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Bradley & Gmelich LLP's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 5, 2020, at Glendale, California.


Inessa Aristakesyan

Re: Riskin PRA

From: Colleen Flynn (cflynnlaw@yahoo.com)

To: chumiston@bglawyers.com

Cc: jbachert@bglawyers.com; matthew@matthewstrugar.com; iaristakesyan@bglawyers.com

Date: Tuesday, June 16, 2020, 9:04 PM PDT

Hi Carol,

I apologize in the delay in responding, things have been super busy.

Yes, I agree to a stay of all discovery for a month.

I understood from our call on 6/11/2020 that we would pick a new date for Mr. Riskin's deposition at the trial setting conference. However, if you would like to pick one beforehand, I suggest you notice it for a week after the November 10, 2020 hearing to quash. That way, you would only need to re-notice it once. If you're successful at the hearing we'll do the depo the week after the hearing as noticed. (If you notice it for July and then you're successful at the hearing you'll just have to re-notice it again.) If you would like to work out a briefing schedule different from the code, let me know. Happy to work with you on that.

Regarding Mr. Riskin's 5/19/2020 CPRA request to the LHBID, I think you're a little confused about the facts. You refer to some "media" and it's not clear what you are referencing.

I'm pasting here the exact wording from the Petition, para. 23:

"Over one year later, on August 27, 2019, Mr. Abramson sent Petitioner a 400 MB file, appearing to contain close to 2,000 emails. A true and correct copy of Mr. Abramson's August 27, 2019 email is attached as **Exhibit L**. However, there is something wrong with the file so that when Petitioner attempts to open it, he can only see 38 emails. Petitioner informed Mr. Abramson that the vast majority of the emails and their attachments are not accessible through the file he provided but he denied that there was anything wrong with the file he sent and has refused to remedy the issue. A true and correct copy of Petitioner and Mr. Abramson's August 27-28, 2019 email exchange is attached as **Exhibit M**."

You seem to accuse Mr. Riskin of lying about this, though you've offered no proof. It's quite an accusation to make without even making the effort to verify it.

If you refuse to re-produce the emails in a file that's not corrupted, please let me know 1) how many emails were sent by Mr. Abramson to Mr. Riskin on August 27, 2019, and 2) where you believe you've seen these emails on Mr. Riskin's website. Since Mr. Riskin could only access 38 emails from the file we cannot identify what other emails you claim he received and posted unless you tell us.

Ideally, please just re-produce these emails, as requested.

Thank you,

Colleen

colleen flynn | *attorney at law*
(*she/her*)
3435 wilshire blvd., suite 2910 | los angeles, ca 90010
213.252.9444 tel. | 213.252.0091 fax.

On Thursday, June 11, 2020, 3:18:44 PM PDT, Carol Humiston <chumiston@bglawyers.com> wrote:

Colleen,

Today during our conference call, at your request, Julie and I agreed to stay ALL discovery for 30 days(not just Me. Riskin's deposition, and I requested that you provide me with a date in July to renote the deposition of Mr. Riskin. You indicated you would not be giving me a date and you would not be producing Mr. Riskin, because you were going to make a motion to quash his deposition. So I told you I would notice his deposition for a date in July after the stay was over. Please confirm a stay of all discovery, not just taking Mr. Riskin's deposition of calendar, because our agreement was conditional.

I also want to confirm another issue we discussed today. It was my understanding from reading the Petition that Mr. Riskin's claim was that the media on which the emails produced by the Lincoln Heights BID to the May 19 Request was "corrupted" because Mr. Riskin contended that his reading of the amount of data that purported to be stored on the media did not match the amount of data produced. Today, you informed me and Julie that Mr. Riskin's claim is that the evidence the media was "corrupted" is that he tried but could not open the emails stored in the media. Please ensure you have retained the "corrupted" media that was produced by the BID for production at Mr. Riskin's deposition and inspection by the BID's expert.

And finally, you indicated you wanted me to send you a link to Mr. Riskin's website where he had uploaded the emails he received in response to the May 19 Request. You stated you wanted to confirm the accuracy of my statement in my June 5 letter. As I explained, while I did not do a side-by-side comparison of all the emails Mr. Riskin uploaded to his website to compare with what was produced, my office did confirm emails responsive to the May 19 Request were uploaded, according to Mr. Riskin, on his website. I asked you if Mr. Riskin was denying he had received and posted emails produced by the BID, and you would not say. I suggested in our conversation, and reiterate here, that you should ask Mr. Riskin to truthfully advise whether he received and posted the emails and where they can be found on his website.

Carol

On Jun 11, 2020, at 2:00 PM, Colleen Flynn <cflynnlaw@yahoo.com> wrote:

Dear Carol and Julie,

Good speaking with you earlier.

Regarding the Depo Notice, I just wanted to confirm that you agreed to take it off calendar for now in light of the November 10th date Judge Strobel's clerk gave us for a motion to quash.

Thank you,

Colleen

colleen flynn | *attorney at law*

(she/her)

3435 wilshire blvd., suite 2910 | los angeles, ca 90010

213.252.9444 tel. | 213.252.0091 fax.

Riskin v. HP & LH BIDs / Depos

From: Colleen Flynn (cflynnlaw@yahoo.com)

To: jbachert@bglawyers.com

Cc: matthewstrugar@gmail.com

Date: Tuesday, September 29, 2020, 9:58 PM PDT

Dear Julie,

I'm writing regarding the November 10, 2020 hearing date for Mr. Riskin's motion to quash your deposition notice.

Since you haven't re-noticed his deposition, as of now the issue is moot.

Please let me know by Monday, October 5, 2020, if you plan to re-notice his deposition. If I don't hear from you by then I will conclude you have abandoned your efforts to depose him and I will notify the clerk that the issue is moot, we are not going forward with the motion, and she can take the hearing off calendar.

Also, I haven't heard back from you regarding the notice for Ms. Iwatsu's depo so I'm assuming the date works for you.

Thank you,

Colleen

colleen flynn | *attorney at law*
(*she/her*)

3435 wilshire blvd., suite 2910 | los angeles, ca 90010
213.252.9444 tel. | 213.252.0091 fax.

RE: Riskin v. HP & LH BIDs / Depos

From: Julie Bachert (jbachert@bglawyers.com)
To: cflynnlaw@yahoo.com
Cc: matthewstrugar@gmail.com; chumiston@bglawyers.com; iaristakesyan@bglawyers.com
Date: Monday, October 5, 2020, 2:11 PM PDT

Dear Colleen,

We are not required to re-notice the deposition of Mr. Riskin.

As you know, we previously noticed Mr. Riskin's deposition for June 25, 2020. In response, you informed us that you had reserved a Hearing for a Motion to Quash Mr. Riskin's Deposition for November 10, 2020, effectively blocking Mr. Riskin's deposition for five (5) months.

We still intend to take the deposition of Mr. Riskin, but we will not waste our resources re-noticing his deposition until the Court has resolved your scheduled Motion.

Also, we will serve our objections to Ms. Iwatsu's Deposition, pursuant to *Code*.

Thank you,

Julie

From: Colleen Flynn <cflynnlaw@yahoo.com>
Sent: Tuesday, September 29, 2020 9:58 PM
To: Julie Bachert <jbachert@bglawyers.com>
Cc: Matthew Strugar <matthewstrugar@gmail.com>
Subject: Riskin v. HP & LH BIDs / Depos

Dear Julie,

I'm writing regarding the November 10, 2020 hearing date for Mr. Riskin's motion to quash your deposition notice.

Since you haven't re-noticed his deposition, as of now the issue is moot.

Please let me know by Monday, October 5, 2020, if you plan to re-notice his deposition. If I don't hear from you by then I will conclude you have abandoned your efforts to depose him and I will notify the clerk that the issue is moot, we are not going forward with the motion, and she can take the hearing off calendar.

Also, I haven't heard back from you regarding the notice for Ms. Iwatsu's depo so I'm assuming the date works for you.

Thank you,

Colleen

colleen flynn | *attorney at law*

(she/her)

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I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010.

Julie Bachert
Bradley & Gmelich LLP
700 N. Brand Blvd., 10th Floor
Glendale, CA 91203
jbachert@bglawyers.com

☐ (BY MAIL) By placing a true copy of the foregoing document(s) in a sealed envelope addressed as set forth above. I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited with the U.S. Postal Service on that same day, with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter is more than one day after date of deposit for mailing in affidavit.

Executed on October 13, 2020 at Los Angeles, California.

/s/ Colleen Flynn
Colleen Flynn